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 HUGHES PFIFFNER GORSKI
 SEEDORF & ODSER, LLC
 3900 C Street, Suite 1001
 Anchorage, Alaska 99503
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Attorneys for Defendants State Farm Mutual Automobile Insurance Company of
 Bloomington, Illinois and Michelle Garner

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ALASKA

DAVID WIDBY,

Plaintiff,

Case No. _____

vs.

STATE FARM MUTUAL AUTOMOBILE
 INSURANCE COMPANY OF
 BLOOMINGTON, ILLINOIS AND
 MICHELLE L. GARNER,

Defendant.

AFFIDAVIT OF MICHELLE GARNER

STATE OF ALASKA :
 : ss.
 THIRD JUDICIAL DISTRICT :

MICHELLE GARNER, being first duly sworn on her oath, deposes and states as
 follows:

HUGHES PFIFFNER GORSKI
 SEEDORF & ODSER, LLC
 ATTORNEYS AT LAW
 3900 C STREET
 SUITE 1001
 ANCHORAGE, ALASKA 99503
 (907) 274-7522
 (907) 263-8320 FAX

1. I am employed by State Farm Mutual Automobile Insurance Company as a claim representative and have personal knowledge of the matters stated herein.

2. I was assigned responsibility for handling an underinsured motorist claim submitted by David Widby to State Farm.

3. Michael Schneider notified State Farm that he was representing Mr. Widby and most of my communications have been with Mr. Schneider.

4. On May 8, 2008, I advised Mr. Schneider of the approaching deadline for Mr. Widby to file a lawsuit if he wished to pursue his claim for underinsured motorist coverage. See Exhibit A to my affidavit.

5. On May 21, 2008, Mr. Schneider told me that if State Farm would agree not to remove a lawsuit to federal court, he would not name me as a defendant. A copy of my summary of our conversation is attached as Exhibit B to my affidavit.

6. I advised Mr. Schneider that State Farm would not enter into such an agreement. I confirmed our conversation and my response in a letter dated May 22, 2008, attached hereto as Exhibit C.

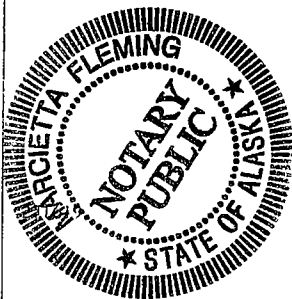
7. I was served with a copy of a complaint filed by David Widby naming both State Farm and myself as defendants on May 30, 2008.

FURTHER YOUR AFFIANT SAYETH NAUGHT

HUGHES-BAUMAN-PFIFFNER GORRIS,
SILVER & OBERN, LLC
ATTORNEYS AT LAW
7500 C STREET
SUITE 100
ANCHORAGE, ALASKA 99503
(907) 254-7522
(907) 263-8326 FAX


Michelle Garner

SUBSCRIBED AND SWORN TO before me this 24th day of June, 2008.



Marcetta Fleming

Notary Public in and for Alaska

My commission expires: _____

My Commission Expires
October 16, 2010

I hereby certify that a true and correct copy
of the foregoing was served via mail
on the 25th day of June, 2008 on:

Michael J. Schneider
Law Offices of Michael J. Schneider, P.C.
880 N Street, Suite 202
Anchorage, AK 99501

DATED this 25th day of June, 2008.

This document is in Times New Roman 13.

Patricia Bruce

HUGHES-BAUMAN-PFIFFNER
SOLDNER & OREN, LLC
ATTORNEYS AT LAW
300 C STREET
SUITE 100
ANCHORAGE, ALASKA 99503
(907) 274-7522
(907) 254-8520 FAX

COPY

May 8, 2008

VIA FAX: 274-8201

Anchorage Operations Center
P O Box 221
DuPont, WA 98327
(907) 261-3700
Toll Free: (800)-478-3510
Fax: (877)-449-5794

Michael J. Schneider
Attorney at Law
880 N Street, #202
Anchorage, AK 99501

RE: Claim Number: 02-0527-261
Date of Loss: June 1, 2006
Our Insured: Kristine Widby
Your Client: David Widby

Dear Mr. Schneider:

I left a message for you, today. I am following up with you on the status of David Widby's injury. Is he ready to discuss settlement of his claim.

Mr. Widby has two years from the date of the accident to settle an underinsured motorist claim. If your client is unable to do so or if there is a dispute in liability or damages the policy states, "the insured shall, within two years immediately following the date of the accident, file a lawsuit, in a state or federal court" to protect their rights of recovery.

Please call me to discuss the status of Mr. Widby's injury.

Sincerely,

Michelle L. Garner
Claim Representative
(907) 261-3744
State Farm Mutual Automobile Insurance Company

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HOME OFFICES: BLOOMINGTON, ILLINOIS 61710

AUTO
claim number
02-0527-261

ACTIVITY LOG

date	time	entered by	office	region	no
05-21-08	12:20 PM	Garner, Michelle L	AKECF	Pacif NW	272
A: LM for Atty Schneider to c/b. Dictated letter to Atty Schneider confirming our position.					

date	time	entered by	office	region	no
05-21-08	08:47 AM	Fletcher, David	AKECF	Pacif NW	271

REDACTED

date	time	entered by	office	region	no
05-21-08	08:05 AM	Garner, Michelle L	AKECF	Pacif NW	270
TM Fletcher: Attorney Schnieder called and intends to file suit against SF and name me as well. He will be asking for Declaratory Relief from endorsement 6127BN as well as for damages to be paid under the UIM coverage for David Widby. He said he would be willing to not name me if he has an agreement that we will not try to move case to Federal Court. He plans to file in State Court. Lets discuss how to proceed.					

date	time	entered by	office	region	no
05-09-08	04:11 AM	Garner, Michelle L	AKECF	Pacif NW	267
A: LM for Carol @ Atty Schneider's office that the certificates of coverage are ready to p/up downstairs.					

date	time	entered by	office	region	no
05-08-08	12:39 PM	Garner, Michelle L	AKECF	Pacif NW	266
A: TC from David Widby. He LM asking that I c/b regarding sending something to BC. : TC to Atty Schneider. Advised of above. He is fine w/ me calling David back to see if it is simply a letter to BC letting them know MPC is exhausted. If so, ok to handle. : RC to David. Confirmed he needs letter with MPC ledger faxed to BC/BS. : I sent.					

date	time	entered by	office	region	no
05-08-08	08:36 AM	Garner, Michelle L	AKECF	Pacif NW	265
A: TC from Atty Schneider. He LM asking for cerificates of coverage on all 3 policies involved. : TC back to Atty Schneider. LM w/ Carol that I should be able to get cert of coverage to them soon. T: response from Atty Schneider; Suit? Demand?					

PAGE 1 of 1 EXHIBIT B



STATE FARM
INSURANCE

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PAGE 1041 EXHIBIT C